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Appl. No. 09/444,359
Amdt. dated April 3, 2006
Reply to Office Action of January 3, 2006

PATENT

REMARKS/ARGUMENTS

Claims 1, 3-17 and 19-42 were pending in this application. Claims 1, 17, and 20 have been amended. Claims 3-7, 19, and 21-23 have been canceled. No claims have been added. Hence, claims 1, 8-17, 20, and 24-42 remain pending. Reconsideration of the subject application as amended is respectfully requested.

Claims 1, 3-17, 19-33, 35-38 and 40-42 stand rejected under 35 U.S.C. § 102(e) as being anticipated by the cited portions of U.S. Patent No. 6,233,448 to Alperovich, *et al.* (hereinafter "Alperovich").

Claims 34 and 39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Alperovich, in view of the cited portions of U.S. Patent No. 6,577,857 to Rodrigues, *et al.* (hereinafter "Rodrigues").

Claims 1, 17, and 20 have been amended to more particularly recite the Applicant's claimed invention. Claim 1 has been amended to include the subject matter of claim 3, claim 17 has been amended to include the subject matter of claim 19, and claim 20 has been amended to correct a reference to a canceled claim. No new matter has been added.

Claim Rejections Under 35 U.S.C. § 102(e)

The applicants respectfully traverse the rejections of all claims since the cited reference does not teach all the claim limitations, either explicitly or inherently, as required for a proper rejection under 35 USC §102(e). Specifically, Alperovich does not teach "wherein the specification defines a dynamic geographic area dependent on the instantaneous location of the subscriber" as recited in claims 1 and 17 (this limitation was examined previously at claims 3 and 19). The office action cited col. 5, ll. 57-65 of Alperovich as teaching this limitation. At that location, however, Alperovich teaches multiple *static* locations, not dynamic locations as the applicants claim. Hence, claims 1 and 17, as well as all remaining claims which depend therefrom, are believed to be allowable, at least for this reason.

Moreover, claims 9 and 25 are believed to be allowable for the additional reason that Alperovich does not teach, "wherein receiving the signal includes continuously receiving the

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signal from the wireless subscriber." The office action rejects claim 9, stating "'periodically' reads on 'continuously.'" This is not true. Continuously and periodically have different – in fact opposite meanings. Something cannot read on its opposite. Hence, claims 9 and 25 are believed to be allowable, at least for this additional reason.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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